

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>EDWARD SMITH,</b>	)	<b>CASE NO.</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE</b>
	)	
<b>v.</b>	)	
	)	
<b>THE CLEVELAND CLINIC FOUNDATION, <i>et. al.</i>,</b>	)	<b><u>NOTICE OF REMOVAL</u></b>
	)	
<b>Defendants.</b>	)	

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants the Cleveland Clinic Foundation and David Easthon (“Defendants”) hereby remove the following Ohio state court action to this Court: *Edward Smith v. The Cleveland Clinic Foundation, et al.*, Case No. 21-CV-946377, Cuyahoga County Court of Common Pleas. Defendants are entitled to remove this action because this Court has original jurisdiction over Plaintiff’s claim for retaliation under the Family and Medical Leave Act (“FMLA”), 29 U.S.C. §2601, *et seq.*, which presents federal questions under 28 U.S.C. §1331.

1. On or about April 16, 2021, Defendant The Cleveland Clinic Foundation was served with the Complaint, which Plaintiff Edward Smith (“Plaintiff”) filed in the Court of Common Pleas for Cuyahoga County, Ohio. To the best of Defendants’ knowledge, the Complaint and Summons constitute all filings served upon Defendants to date. Copies of the Complaint and Summons are attached hereto as Exhibit A.<sup>1</sup>

2. This Notice is being filed within thirty (30) days after service on Defendant. Accordingly, it is being timely filed pursuant to 28 U.S.C. §1446.

---

<sup>1</sup> As of the date of this Notice, Plaintiff has yet to perfect service upon individual Defendant David Easthon.

3. In his Complaint, Plaintiff asserts multiple employment-related claims, including claims for race discrimination and retaliation under Ohio Revised Code § 4112, *et seq.*, and for retaliation under the FMLA, 29 U.S.C. §2601, *et seq.* (*See generally* Ex. A.)

4. Because Plaintiff's FMLA retaliation claim presents a federal question, this Court has original jurisdiction over this action under 28 U.S.C. §1331. This Court has supplemental jurisdiction over the remaining state law claims pursuant to 28 U.S.C. §1367(a).

5. All Defendants consent to and move for the removal of this action.

6. Based on the foregoing, Defendants are entitled to remove this action to this Court pursuant to 28 U.S.C. §1441(a).

This Notice of Removal has been signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. §1446(d), Defendants will provide Plaintiff with written notice of this filing and will file a copy of this Notice of Removal with the Clerk of Courts for the Cuyahoga County Court of Common Pleas.

Accordingly, Defendants hereby remove this action to the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

/s/ Christina E. Niro  
Michael N. Chesney (0059826)  
*mchesney@frantzward.com*  
Christina E. Niro (0086272)  
*cniro@frantzward.com*  
Jonathan M. Scandling (0093905)  
*jscandling@frantzward.com*  
FRANTZ WARD LLP  
200 Public Square  
Suite 3000  
Cleveland, Ohio 44114-1230  
Telephone: (216) 515-1660  
Facsimile: (216) 515-1650

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Notice of Removal was filed electronically on this 5th day of May, 2021. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. A copy of the foregoing was also served by electronic mail upon the following:

Fred Bean  
Taurean K. Shattuck  
The Spitz Law Firm, LLC  
25200 Chagrin Boulevard, Suite 200  
Beachwood, OH 44122  
[Fred.bean@spitzlawfirm.com](mailto:Fred.bean@spitzlawfirm.com)  
[Taurean.shattuck@spitzlawfirm.com](mailto:Taurean.shattuck@spitzlawfirm.com)

*Attorneys for Plaintiff*

/s/ Christina E. Niro  
*One of the Attorneys for Defendants*